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NO JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KARL MAY USA, INC. and SABINE
NIEDERBERGHAUS-LESAVOY,

Plaintiffs,

v.

NEMSI BOOKS; NEMSI BOOKS, LLC;
WINNETOU PRODUCTIONS, LLC;
MORPHTEK.COM, INC.; and DOES 1
through 10,

Defendants.

Case No. CV11-02736 DDP (FFMx)

**ORDER GRANTING
VOLUNTARY DISMISSAL OF
COMPLAINT AND COUNTER-
CLAIMS**


AND RELATED COUNTERCLAIMS.

1 In consideration of the Stipulation for Voluntary of Dismissal of all claims
2 and counter-claims asserted between Plaintiff and Counter-Defendant Karl May
3 USA, Inc. and Defendants and Counter-Claimants Morphtek.com, Inc. dba Nemsi
4 Books (erroneously sued as Nemsi Books), Nemsi Books, LLC and Winnetou
5 Productions LLC, the Dismissal is GRANTED, and it is ORDERED, ADJUDGED,
6 AND DECREED that all claims and counter-claims asserted in this suit between
7 Plaintiff and Counter-Defendant Karl May USA, Inc. and Defendants and Counter-
8 Claimants Morphtek.com, Inc. dba Nemsi Books (erroneously sued as Nemsi
9 Books), Nemsi Books, LLC and Winnetou Productions LLC are hereby dismissed
10 with prejudice.

11 It is further ORDERED, pursuant to the Stipulation for Voluntary Dismissal,
12 that KMU shall, within ten (10) days of the date of entry of this Order, (a) file an
13 express withdrawal of U.S. Trademark Registration No. 3,934,666; (b) notify the
14 Trademark Trial and Appeal Board of the Order, requesting that Cancellation
15 Proceeding No. 92053560 be updated to reflect the cancellation of the '666 Reg.;;
16 and (c) abandon the mark in connection with clothing and wearing apparel,
17 including the removal of all references to the mark in connection with KMU's
18 clothing line from any web site(s) owned and/or controlled by KMU.

19 It is further ORDERED that all attorneys' fees and costs are to be borne by
20 the Party that incurred them.

21
22 DATED: March 09, 2012


23 Hon. Dean D. Pregersen
24 United States District Judge
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